

REMARKS

In the Office Action entered in the above-identified case and mailed on June 30, 2004, claims 1-7, 9-14, 16-21 and 23-28 are rejected under 35 U.S.C. § 102; and 8, 15, 22 and 29-32 are rejected under 35 U.S.C. § 103. In response, claims 1, 9, 16 and 23 have been amended. Applicant respectfully submits that the rejections have been overcome or are improper at least for the reasons set forth below.

In the Office Action, claims 1-7, 9-14, 16-21 and 23-28 are rejected under 35 U.S.C. § 102. More specifically, claims 1-7, 9-14, 16-21 and 23-28 are rejected as being anticipated by U.S. Patent No. 5,737,481 (“*Gushima*”). The Patent Office alleges that *Gushima* discloses each feature of the claimed subject matter as defined in claims 1-7, 9-14, 16-21 and 23-28.

Of the pending claims at issue, claims 1, 9, 16 and 23 are independent claims. Independent claim 1 recites a recording apparatus that comprises a recording means for recording a first data set in a recording medium, input means for a user to designate a file name corresponding to a start point and an end point of a desired second continuous data set wherein the second continuous data set is a subset of the first data set to be recorded in or already recorded in the recording medium by the recording means, and control means for controlling the recording means so as to endlessly-record and overwrite a non-designated portion of the first data in the recording medium which excludes the designated second continuous data set such that the recording means endlessly records data in the recording medium in a recording region that avoids the recording region in which the second data has been recorded. Claims 2-7 depend from claim 1 and thus, as a matter of law, incorporate each of the features of claim 1.

Independent claim 9 recites a recording/reproducing apparatus for recording input data in a recording medium capable of non linear access and reproducing and outputting the recorded data that comprises a recording means for recording first data in the recording medium, input means for a user to designate a file name corresponding to a start point and an end point of desired second continuous data wherein the second continuous data is a subset of the first data to be recorded or already recorded in the recording medium by the recording means, control means for controlling the recording means so as to endlessly-record and overwrite a non-designated portion of the first data in the recording medium excluding the second continuous data such that data is endlessly recorded in a region of the recording medium that avoids the region of the recording medium in which the second continuous data has been recorded, and reproducing

means for reproducing and outputting the first data recorded in the recording medium. Claims 10-14 depend from claim 9 and thus, as a matter of law, incorporate each of the features of claim 9.

Independent claim 16 recites a recording method for recording input first data in a recording medium capable of non linear access that comprises endlessly-recording the first data in the recording medium and designating by a user a file name corresponding to a start point and/or end point of desired second continuous data wherein the second continuous data is a subset of the first data to be recorded or already recorded in the recording medium, and endlessly-recording and overwriting a non-designated portion of the first data in the recording medium that excludes the designated second continuous data by recording the data in a region of the recording medium that does not include a recording region in which the second continuous data corresponding to the start point and/or end point out of the first data has been recorded. Claims 17-21 depend from claim 16 and thus, as a matter of law, incorporate each of the features of claim 16.

Independent claim 23 recites a recording/reproducing method for recording input data in a recording medium capable of non linear access and reproducing and outputting the recorded data that comprises the steps of: endlessly-recording input data in the recording medium, and designating by a user a file name corresponding to a start point and/or end point of desired second continuous data wherein the second continuous data is a subset of first data to be recorded or already recorded in the recording medium; endlessly-recording and overwriting a non-designated portion of the first data in the recording medium by recording the data in a region of the recording medium that does not include a continuous second recording region of the recording medium in which second continuous data corresponding to the start point and/or end point out of the first data has been recorded; and reproducing and outputting the first data recorded in the recording medium. Claims 24-28 depend from claim 23 and thus, as a matter of law, incorporate each of the features of claim 23.

As previously discussed, independent claims 1, 9, 16 and 23 have been amended. As amended, these claims further recite, in part, an input means for a user to designate a file name corresponding to a start point and an end point of a desired second continuous data set. Thus, this input means allows a user to select a portion of the data set recorded on the recording medium to be preserved when the remainder of the first data set is overwritten during the endless

recording function of the recording apparatus. The amendments as discussed above are supported in the specification, for example, on page 8, lines 13-25, and page 9, lines 1-10.

In contrast to the claimed invention, Applicant believes that *Gushima* at least fails to disclose or suggest an input means for a user to designate a file name corresponding to a start point and an end point of a desired second continuous data set. *Gushima* discloses an information recording apparatus for continuously recording information without losing any of the recorded information if the apparatus is temporarily disabled due to, for example, an external shock or vibration that is applied to the apparatus. *See, Gushima, Abstract, Lines 1-4 and Col. 1, Lines 23-26.* To accomplish this continuous recording *Gushima* discloses a buffer memory 4. When, for example, an external shock is applied to the apparatus disclosed by *Gushima*, a recording-disable state is activated which triggers an overflow of the buffer memory 4. When the overflow is detected, “the memory controller 53 generates a write address so that the data after the detection of the overflow is written in the predetermined area in the buffer memory 4.” *See, Gushima et al., Col. 31, Lines 46-51.* Thus, *Gushima* discloses that data after the detection of the overflow is automatically overwritten in predetermined areas of the buffer memory such as the even-numbered areas. *See, Gushima et al., Col. 31, Lines 51-65.*

On the other hand, the claimed invention allows a user to review the first data and input the desired starting and ending points of the second data that the user desires to protect. Unlike the claimed invention, *Gushima* discloses a recording apparatus wherein the memory controller automatically marks an address location to protect data from being overwritten upon the occurrence of a recording-disable state caused by, for example, an external shock applied to the apparatus. *See, Gushima et al., Col. 31, Lines 37-65.* Thus, *Gushima* does not disclose, at least, an input means for a user to designate a file name corresponding to a start point and an end point of the desired second data as required by the claimed invention, nor does it teach or suggest same.

Based on at least these noted reasons, Applicant believes that *Gushima* is deficient with respect to the claimed invention. Therefore, Applicant respectfully submits that *Gushima* fails to anticipate the claimed invention.

Accordingly, Applicant respectfully requests that the rejection of claims 1-7, 9-14, 16-21 and 23-28 under 35 U.S.C. § 102 be withdrawn.

In the Office Action, claims 8, 15, 22 and 29-32 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over *Gushima* in view of U.S. Patent No. 5,940,241 (“*Sasakura*”) and further in view of U.S. Patent No. 5,949,953 (“*Shirakawa*”). The Patent Office primarily relies on *Gushima* and further relies on *Sasakura* and *Shirakawa* to remedy the deficiencies of same. Applicant believes that this rejection is improper.

Of the pending claims, claim 8 and 30 depend from independent claim 1, claim 15 depends from independent claim 9, claim 22 and 30 depend from independent claim 16 and claims 29 and 32 depend from independent claim 23 and thus, as a matter of law, incorporate each of the features of their respective independent claims.

Applicant believes that the claimed invention is distinguishable over the cited art. Based on at least the reasons discussed above, *Gushima* is deficient with respect to the claimed invention. *Gushima*’s buffer memory serves a completely different portion of the function from that performed by the recording/reproducing apparatus of the claimed invention. The buffer memory disclosed by *Gushima* does not include an input means whereby a user can select a portion of the data recorded in the buffer memory so that the selected portion is preserved while the data not selected is continuously overwritten. Therefore, *Gushima* on its own is clearly deficient with respect to the claimed invention.

Further, Applicant does not believe that the Patent Office can rely on *Sasakura* and/or *Shirakawa* solely to remedy the deficiencies of *Gushima*. *Sasakura* is cited merely for disclosing the use of video time codes for identifying recorded data. *Shirakawa* is cited merely for disclosing the use of recorded data containing a file name and a head address. Neither *Sasakura* nor *Shirakawa* addresses *Gushima*’s deficiency with respect to an input means whereby a user can select a portion of the data recorded in the buffer memory so that the selected portion is preserved while the data not selected is continuously overwritten. Therefore, even if combinable, *Sasakura*, *Shirakawa* and *Gushima* fail to disclose or suggest the claimed invention and thus fail to render the claimed invention obvious based on at least these reasons.

Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 8, 15, 22 and 29-32 be withdrawn.

For the foregoing reasons, Applicant respectfully submits that the present applicant is in condition for allowance and earnestly solicit reconsideration of the same.

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